IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTIETH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 16837 of 2004

Between:

1. Repala Padmavathi, W/o. Repala Purna Chandra Rao,
   Miryalaguda, Nalgonda District.
2 Repala Narsimha Rao, S/o. Late Repala Rama Latchaiah,
   A.P.H.B. Colony, Miryalaguda, Nalgonda District.

..... PETITIONERS

AND

Indian Oil Corporation Limited, Rep. by its Area Manager,
Indane Area Office, G.V.R. Towers, II Floor, Bharathi Nagar Ring Road,
Vijayawada-8.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or direction mostly one which is in the nature of Writ of MANDAMUS declaring the inaction of the Respondent in passing appropriate orders for granting permission for inclusion of the Petitioner as partners of M/s. Miryalaguda Gas Agencies, Miryalaguda by reorganization of the firm as arbitrary, illegal, unjust, discriminatory, and unsustainable, and issue a consequential direction directing the Respondent to forthwith recognize the Petitioners as legal heirs of late Sri Purna Chandra Rao entitled to the extent of his 49% share in M/s.Miryalaguda Gas Agencies, by reorganization of the firm

Counsel for the Petitioner: MR.P.VEERA REDDY

Counsel for the Respondent No.: MR.P.V.SANJAY KUMAR

The Court at the stage of admission made the following :

ORDER:

The petitioners are wife and brother of one late Repala Purnachander Rao. One G. Rama Rao was allotted Liquid Petroleum Gas (for short 'LPG') Distributorship under Miryalguda Gas Agencies for distribution of L.P.G. cylinders and he was doing business for the last 20 years. Subsequently, the respondent Corporation instructed the said G. Rama Rao to improve the business. Therefore, he took R. Purnachander Rao as his financial partner and when he made an application for reorganization of the distributorship the respondent issued a letter dated 4-6-2002 approving the reconstitution of distributership by mentioning that Sri G. Rama Rao will continue to have 51% share as an original partner and R.PurnachanderRao will have 49% of the share and they are bound by the terms and conditions of the standard distributorship Agreement. Subsequently a partnership deed was also entered between G.Rama Rao and R.Purnachander Rao. After some time, R. Purnachander Rao suffered with major ailment. Therefore, he addressed a letter dated 12-11-2003 to the respondent Corporation to re-organize the partnership of L.P.G. Distributorship and requested to permit them to re-organize the partnership of L.P.G. distributorship with his wife and brother as partners. Subsequent to the said letter he died. Sri G. Rama Rao also addressed a letter to the respondent Corporation on 12-11-2003 expressing his willingness to take the brother and the wife of late R.Purnachander Rao as his partners and requested for re-organization of the partnership. Subsequently, the respondent addressed a letter to the agency on 15-3-2004 requesting the wife and the brother of the late Purna Chander Rao to appear for interview on 19-3-2004 at 1500 hours and the interview was also conducted.

The grievance of the petitioners is that subsequent to the date of the said interview, no orders have been passed by the respondent and the matter is pending for the last six months. The petitioner, therefore, approached this Court seeking a direction to the respondent to pass orders on the request regarding the re organization of the

partnership of L.P.G. distributorship expeditiously.

The learned counsel for the respondent represented that the Corporation came to know that Sri G. Rama Rao the original partner was involved in an offence under Section 302 I.P.C., therefore, the Corporation is examining the issue by ascertaining the information regarding his involvement in the offence and to take further action in the matter.

The involvement of Sri G. Rama Rao in the offence as alleged by the respondent is an issue to be considered as to whether he shall be continued as distributor of the Agency or not. But, at the same time, the respondent is expected to pass an appropriate order on the request of Sri G. Rama Rao and the petitioners for re organization of the partnership having conducted an interview on 19-3-2004 irrespective of the action that is likely to be taken by the respondent against Sri G.Rama Rao, about his involvement in an offence involving moral turpitude. The respondent shall pass appropriate orders regarding the request made by late R.Purnachander Rao and the consent letter given by Sri G. Rama Rao according to Rules within four weeks from the date of receipt of this order and communicate the same to the petitioner.

The Writ Petition is accordingly disposed of. No order as to costs.

Dr.G.Yethirajulu,J.

20th September, 2004.

KM

Note:

Issue Copy in a week.

B/o

KM

ASISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Area Manager,Indian Oil Corporation Limited,
   Indane Area Office, G.V.R. Towers, II Floor, Bharathi Nagar Ring Road,
   Vijayawada-8.

2. Two CD copies

THE HON'BLE Dr. JUSTICE G.YETHIRAJULU

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